

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|----------------------------------|---|-------------------|
| URLEEN WALKER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | 1:05-CV-00657-DRB |
| |) | [WO] |
| JOANNE B. BARNHART, _____ |) | |
| COMMISSIONER OF SOCIAL SECURITY, |) | |
| |) | |
| Defendant. |) | |

ORDER ON MOTION

On February 23, 2006, this court entered a *Final Judgment* remanding this case to the Commissioner of Social Security for further proceedings pursuant to *sentence four* of 42 U.S.C. §405(g). (Docs. 22 and 23). Submitted now is the Plaintiff's uncontested¹ *Application for Attorney Fees Under the Equal Access to Justice Act* (Doc. 20, March 23, 2006).

Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412, Plaintiff seeks a total award of \$2,625.00 for attorney's fees to counsel of record, Quinn E. Brock, at an hourly rate of \$125.00.² The court finds that Plaintiff's motion is timely filed and that he is a "prevailing party" within the meaning of 28 U.S.C. §2412(d)(1)(A), in that pursuant to the *Order and Judgment* filed February 23, 2006 the court remanded this case for further consideration pursuant to *sentence four* of 42 U.S.C.

¹The Commissioner "does not contest an award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412, in the total amount of \$2,625.00 which represents 21.00 hours of attorney time at \$125.00 per hour." The Commissioner correctly notes that "Plaintiff's application for fees indicates a total of 31 hours, the numbers of hours added together equal only 21 hours." (*Defendant's Response*, Doc. 22, May 30, 2006).

²Plaintiff's fee itemization reflects a total of 21.00 hours of services rendered between June 23, 2005 and May 22, 2006. (Doc. 20).

§405(g). Plaintiff's requested hourly rate is reasonable as are the hours expended for legal representation.

Accordingly, it is the **ORDER, JUDGMENT, and DECREE** of this court that the Plaintiff's *Application for Attorney Fees Under the Equal Access to Justice Act* (Doc. 20) is **GRANTED** in the total amount of \$2,625.00.

DONE this 31st day of May, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE